

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 117-388

C# M#

DT06 Rec'd PCT/PTO

23 SEP

2002

TAN et al

Serial No. 10/089,553

Group Art Unit:

Examiner:

Filed: May 8, 2002

Date: September 23, 2002

Title: COMPOUNDS FOR THE TREATMENT OF VIRAL-MEDIATED DISEASES

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00

☐ Please enter the previously unentered , filed

☐ Submission attached

**Subtotal \$ 0.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
MJW:tat

NIXON & VANDERHYE P.C.  
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

FORM PTO-1390 (REV 11-2000)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER <b>117-388</b>
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)  <b>10/089,553</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US00/26797</b>	INTERNATIONAL FILING DATE <b>29 September 2000</b>	PRIORITY DATE CLAIMED <b>1 October 1999</b>

TITLE OF INVENTION

**COMPOUNDS FOR THE TREATMENT OF VIRAL-MEDIATED DISEASES**

APPLICANT(S) FOR DO/EO/US

**TAN et al**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The U.S. has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 To 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☒ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information.

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/089,553</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US00/26797</b>		ATTORNEY'S DOCKET NUMBER <b>117-388</b>	
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21. <input checked="" type="checkbox"/> The following fees are submitted:					<b>CALCULATIONS</b> PTO USE ONLY				
<b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b> -- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....\$1040.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....\$890.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO .....\$740.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$710.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....\$100.00  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>					\$	0.00			
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).					\$	0.00			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE						
Total Claims	41	-41 =	0	X	\$18.00	\$	0.00		
Independent Claims	6	-6 =	0	X	\$84.00	\$	0.00		
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)					\$280.00	\$	0.00		
<b>TOTAL OF ABOVE CALCULATIONS =</b>						\$	0.00		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.							0.00		
<b>SUBTOTAL =</b>						\$	0.00		
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).					+		0.00		
<b>TOTAL NATIONAL FEE =</b>						\$	0.00		
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). <b>\$40.00</b> per property					+	\$	40.00		
Fee for Petition to Revive Unintentionally Abandoned Application (\$1280.00 - Small Entity = \$640.00)						\$	0.00		
<b>TOTAL FEES ENCLOSED =</b>						\$	40.00		
						Amount to be:			
						refunded	\$		
						Charged	\$		

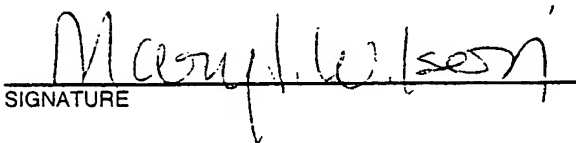
a. ☒ A check in the amount of \$40.00 to cover the above fees is enclosed.  
b. ☐ Please charge my Deposit Account No. 14-1140 in the amount of \$\_\_\_\_\_ to cover the above fees.  
A duplicate copy of this form is enclosed.  
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.  
d. ☒ The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.

**NOTE:** Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

NIXON & VANDERHYE P.C.  
1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
MJW:tat


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SIGNATURE  
  


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**Mary J. Wilson**  
NAME

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**32,955**  
REGISTRATION NUMBER

---

**May 8, 2002**  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

TAN et al

Atty. Ref.: 117-388

Serial No.: 10/089,553

Group Art Unit:

Filed: May 8, 2002

Examiner:

For: COMPOUNDS FOR THE TREATMENT OF VIRAL-MEDIATED DISEASES

\* \* \* \* \*

September 23, 2002

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

In response to the Notification of Missing Requirements dated July 23, 2002, attention is directed to the fact that the inventor's declaration was in fact filed on May 8, 2002. A copy of the papers filed May 8, 2002, is enclosed, together with a copy of the postcard receipt evidencing that filing.

Acknowledgement of receipt of the foregoing is requested.

Respectfully submitted,

**NIXON & VANDERHYE, P.C.**

By Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

MJW:tat

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/089,553	Mary J Wilson	117-388

INTERNATIONAL APPLICATION NO.	
PCT/US00/26797	
I.A. FILING DATE	PRIORITY DATE
09/29/2000	

Nixon & Vanderhye  
 1100 North Glebe Road  
 8 th Floor  
 Arlington, VA 22201-4714

CONFIRMATION NO. 6856

## 371 FORMALITIES LETTER



\*OC000000008488541\*

Date Mailed: 07/23/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

A copy of this notice **MUST** be returned with the response.

CHRISTINE S WASHINGTON

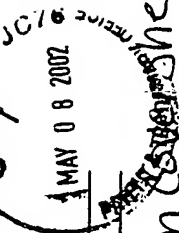
Telephone: (703) 305-3752

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/089,553	PCT/US00/26797	117-388

FORM PCT/DO/EO/905 (371 Formalities Notice)

Serial No.: 10/089,553  
Applicant: TAN et al  
Title: COMPOUNDS FOR THE  
TREATMENT OF VIRAL-MEDIATED DISEASES  
Atty: MJW  
Date: 5-8-2002  
Client: J.A. KEMPTCO  
Ref: 117-388  
Amendment / SECOND PRELIMINARY COPY  
Pages Specification  
Claims  
Sheets Drawings: Formal  
Declaration (3 Informal Pages)  
Assignment w/ Reconciliation Form  
Priority Document  
Base Issue Fee Transmittal  
Fee (Check) \$440.00  
Other: TRANSMITTAL LETTER FILING  
COMPLETION



RECEIVED  
DEC 10 2002  
TECH CENTER 1600/12600